

A RESOLUTION
BY COUNCILMEMBER FELICIA A. MOORE

SUPPORTING THE NATIONAL LEAGUE OF CITIES' REQUEST TO CONGRESS TO OPPOSE THE INCLUSION OF THE MTBE-LIABILITY WAIVER IN ANY LEGISLATIVE VEHICLE, OPPOSE ANY PROVISION THAT EXTENDS THE FEDERAL ENERGY REGULATORY COMMISSION'S (FERC) TRANSMISSION AUTHORITY TO NON-JURISDICTIONAL MUNICIPAL AND COOPERATIVE UTILITIES OR ORDERS FERC TO IMPLEMENT A RULEMAKING ON INCENTIVE RATES AND PROVIDE FOR PARTICIPANT FUNDING OF TRANSMISSION FACILITIES; AND FOR OTHER PURPOSES.

WHEREAS, The nation's cities and towns need a comprehensive energy bill that promotes the most efficient and affordable use of all sources of energy including renewable sources and alternative fuels, protects our national security by encouraging domestic production of energy, and encourages conservation and increased energy efficiency among all geographic regions and sectors of the economy – without the imposition of federal unfunded mandates or preemptions.

WHEREAS, The MTBE-liability waiver would shift the cost of cleaning sources of drinking water from the companies responsible for the contamination to cash-strapped local governments. Congress never mandated the use of MTBE and therefore is not obligated to provide the producers "safe harbor."

WHEREAS, The inclusion of the MTBE-liability waiver in any legislation has the potential to derail successful passage.

WHEREAS, NLC opposes any attempts to preempt local authority in siting energy producing facilities or transmission grids, grant eminent domain authority to any federal energy regulatory agency, or preempt the rights of state utility commissions to regulate retail electricity rates. NLC opposes any legislation or regulations that would bring municipally owned utilities under FERC's jurisdiction.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA supports the National League of Cities' request to congress to:

- Section 1.** Oppose the inclusion of the MTBE-liability waiver in any legislative vehicle because it preempts local authority and imposes a \$29 billion unfunded mandate on local governments forced to clean-up MTBE-polluted water.
- Section 2.** Oppose any provision that extends the Federal Energy Regulatory Commission's (FERC) transmission authority to non-jurisdictional municipal and cooperative utilities or orders FERC to implement a rulemaking on incentive rates and provide for participant funding of transmission facilities.

BE IT FINALLY RESOLVED that the Clerk of the Council is directed to transmit a true and correct copy to all members of the Georgia Congressional Delegation.

04-12-0778

(Do Not Write Above This Line)

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- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 4/19/04

Referred To: Finance & Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

CERTIFIED

- FINAL COUNCIL ACTION
- ☐ 2nd
 - ☐ 1st & 2nd
 - ☐ 3rd
 - Readings
 - ☐ Consent
 - ☐ V Vote
 - ☐ RC Vote

MAYOR'S ACTION